IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.1296 OF 2007

M/s.Genius Fibers Pvt.Ltd. ..Petitioner

Vs.

Central Bureau of Investigation
& Anr. ..Respondents

Mr.A.M.Saraogi Advocate for Petitioner
Mr.S.R.Borulkar PP & Smt.P.H.Kantharia APP
for State

**CORAM: S.B.MHASE AND**
**SMT.V.K.TAHILRAMANI,JJ.**
**DATE : DECEMBER 18, 2007**

**P.C.**

1. Heard.

2. We have perused the complaint. The police have made a preliminary enquiry in respect of the complaint and police have come to the conclusion that there is nothing to be investigated. From the complaint, we find that the property was purchased by the petitioner from the Developers and for the said purpose, loan was raised from the Bank and the Bank not only has directly issued the cheque to the Developers but the petitioner is put in possession of the property. After the petitioner is put into

possession of the property, the petitioner has found the property was encumbered with other bank also and therefore, the petitioner feels that he is cheated. The petitioner has taken inventory and if in the inventory, nothing was found then it is for the petitioner to point out that he is a bonafide purchaser for value without notice. The purchaser has to take all precautions while purchasing and would make reasonable enquiries and therefore, prima facie, we do not find that there is any offence committed. Apart from that, if the petitioner is aggrieved in view of the said transaction and as the result of not taking cognizance by the police, the petitioner may file an appropriate complaint before the Magistrate coupled with all the documents and point out that the offence has been committed against him. In view of the alternate efficacious remedy available to the petitioner, we refrain ourselves from entertaining the writ petition.

3. Rejected.

[SMT.V.K.TAHILRAMANI, J.] [ S.B.MHASE, J.]